

## 21 C.J.S. Courts § 233

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### Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

### VI. Rules of Adjudication, Decisions, and Opinions

#### B. Stare Decisis

##### 5. Nature of Prior Decisions

## § 233. Other dispositions

[Topic Summary](#) | [References](#) | [Correlation Table](#)

### West's Key Number Digest

West's Key Number Digest, Courts 89, 107

**Matters that are determined by agreement, supervisory orders, and vacated determinations do not have precedential value.**

A consent decree may not be considered a precedent in a later case,<sup>1</sup> and a stipulated judgment made pursuant to a negotiated settlement affecting only the signing parties has no precedential effect.<sup>2</sup> Furthermore, a mere concession by counsel is not regarded as judicially establishing the point conceded.<sup>3</sup>

An order of the state supreme court is binding precedent if it constitutes a final disposition of an application and contains a concise statement of the applicable facts and reasons for the decision.<sup>4</sup> Supervisory orders issued by a state supreme court are not precedential, however.<sup>5</sup> Vacated orders, opinions, or decisions no longer officially exist and have no precedential effect.<sup>6</sup> A withdrawn opinion has no precedential value since it does not express the court's views.<sup>7</sup>

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### Footnotes

<sup>1</sup> N.J.—*Miller v. Bond & Mortgage Guaranty Co.*, 121 N.J. Eq. 197, 188 A. 678 (Ch. 1936).

<sup>2</sup> U.S.—*Orange County v. Air California*, 799 F.2d 535, 5 Fed. R. Serv. 3d 1428 (9th Cir. 1986).

- 3 Miss.—[Lusk v. Seal](#), 129 Miss. 228, 91 So. 386 (1921).
- 4 Mich.—[Pace v. Edel-Harrelson](#), 309 Mich. App. 256, 870 N.W.2d 745 (2015), rev'd on other grounds, 499 Mich. 1, 2016 WL 416787 (2016).
- 5 Ill.—[People v. Phillips](#), 217 Ill. 2d 270, 298 Ill. Dec. 759, 840 N.E.2d 1194 (2005).
- 6 U.S.—[U.S. v. Ellis](#), 419 F.3d 1189 (11th Cir. 2005).
- Ariz.—[Wertheim v. Pima County](#), 211 Ariz. 422, 122 P.3d 1 (Ct. App. Div. 2 2005).
- Ind.—[Estate of Helms v. Helms-Hawkins](#), 804 N.E.2d 1260 (Ind. Ct. App. 2004).
- Mich.—[People v. Akins](#), 259 Mich. App. 545, 675 N.W.2d 863 (2003).
- 7 Ill.—[Nationwide Bank & Office Management v. Industrial Com'n](#), 361 Ill. App. 3d 207, 296 Ill. Dec. 705, 836 N.E.2d 120 (1st Dist. 2005).

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